

COPYRIGHT EXAMINING DIVISION

ANNUAL REPORT

1948-1949

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ANNUAL REPORT - EXAMINING DIVISION

The past year has seen the Examining Division grapple with the most pressing problem in the Office - keeping current. The steady cooperation of the staff and the addition of several temporary examiners during peak periods has enabled the Division to come as close to being current as possible, without requiring a disproportionate amount of personnel and money. In terms of sheer bulk, this is an amazing performance. During the year, 258,930 claims were examined. Of these, 201,190 were registered and 5,515 applications were denied. The balance represents claims which were denied, withdrawn, resubmitted, or in which the applicant failed to complete the formalities required by the law. On June 30, 1949, approximately 1,800 cases remained open. Less than a hundred of these represented cases in which final action could be taken by this Office; the others were cases in which the applicant had been requested to submit further information, copies or fee. The number of applications which are defective when originally submitted is high, and the Office must engage in correspondence in order to remedy the defects. It is this type of case as well as the denials which require a great amount of time and effort. The Division also sent out 1,498 certified documents, registered 5,156 assignments and 1,062 notices of use. It made the following title cards: Assignment - 15,916; Notice of Use - 3,000; Notice of Intention - 8,000.

The rights covered by copyright applications have become more and more valuable with the advent of radio and television. Delay in registration or denial of application may result in serious literary and financial loss. To guard against this danger to the applicant, the procedure in the Examining Division requires that the Chief or the Assistant Chief initial all rejections.

Experience has shown that the legal remedies open to the applicant, where registration is denied, are not practical, and we believe it is also our function to assist and protect the applicant.

The appointment of Mr. George D. Cary as Assistant Chief has been of extreme importance to the Division. Theoretically, it is intended to give both the Chief and Assistant Chief an opportunity to spend almost half their time in legal research. In actual practice, the task of running the Division and making the day-to-day legal decisions has not left sufficient time to carry out this program. It would have been impossible to continue for very long without an Assistant Chief; it would have been worse than useless to have appointed someone who did not have Mr. Cary's qualifications and ability.

As the year drew to a close, the Division was flooded with problems dealing with Public Law 84, many of which demanded immediate solution. Among these problems are the questions of whether the law is retroactive and applies to books published prior to its effective date; whether ^{we} will accept books for ad interim registration on the same basis as domestic books, or whether we will have to go further and provide new tests relating to "new matter"; whether it may not be possible to apply the same tests for new matter to applications for ad interim registration but to deny an additional permit to import the new book. The new law gives every indication of furnishing us with enough problems of this type to keep us occupied for several years to come.

Shaban L. Keminsle

July, 1949